

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

FILED  
IN CLERKS OFFICE

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UNITED STATES OF AMERICA, )  
Petitioner, )  
)  
v. ) M.B.D. NO. 04-10295-NMG/LPC  
)  
MICHAEL CARDEN, )  
Respondent. )  
)

U.S. DISTRICT COUR;  
DISTRICT OF MASS.

**MOTION FOR AN ORDER TO SHOW CAUSE WHY  
RESPONDENT SHOULD NOT BE HELD IN CONTEMPT**

The Petitioner, United States of America, on behalf of its agency, the Internal Revenue Service, and by its attorney, Michael J. Sullivan, United States Attorney for the District of Massachusetts, hereby moves this Court for an order directing the Respondent, MICHAEL CARDEN, to appear before this Court and show cause, if any he has, why he should not be held in contempt of this Court's Order Enforcing Internal Revenue Service Summons dated November 4, 2004. In support of this motion the Petitioner states as follows:

On November 4, 2004, this Court entered an Order Enforcing Internal Revenue Service Summon, which ordered the Respondent, MICHAEL CARDEN, to obey the Summons issued to him by the Internal Revenue Service on or December 2, 2004. A copy of the Order is attached hereto as **Exhibit A.**

The Respondent, MICHAEL CARDEN, has not complied with this Court's Order. As set forth in the Affidavit of Revenue Officer,

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attached as **Exhibit B** hereto, the Respondent, MICHAEL CARDEN, has not complied with the Internal Revenue Service Summons, has not provided the summonsed financial information, and has not complied with this Court's order.

WHEREFORE, the Petitioner respectfully requests that this Court order the Respondent, MICHAEL CARDEN, to appear before this Court and show cause, if any he has, why he should not be held in contempt of this Court's Order Enforcing Internal Revenue Service Summons entered November 4, 2004.

Respectfully submitted,

Michael J. Sullivan  
United States Attorney

By:

~~ANTON P GIEDT~~  
~~Assistant U.S. Attorney~~  
~~United States Courthouse~~  
~~Suite 9200~~  
~~1 Courthouse Way~~  
~~Boston, MA 02210~~  
~~(617) 748-3282~~

Dated: January 26, 2005

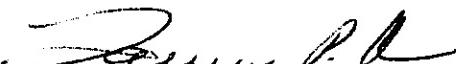
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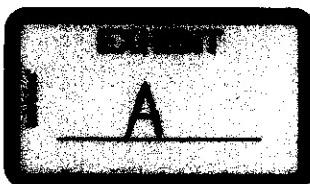
**ORDER ENFORCING INTERNAL  
REVENUE SERVICE SUMMONS**

The Petition to Enforce Internal Revenue Service Summons having come before United States Magistrate Judge Lawrence P. Cohen for a hearing on November 4, 2004, and the respondent, MICHAEL CARDEN, not having shown any cause why he should not obey the Summons issued to him on April 5, 2004:

IT IS ORDERED that MICHAEL CARDEN obey the Summons and appear (with the documents described in the Summons) before Revenue Officer David Malo or any other officer of the Internal Revenue Service authorized to examine the records and take MICHAEL CARDEN testimony on or before December 2, 2004 at 9:00 AM/PM at the office of the Internal Revenue Service, 166 Main Street, Brockton, MA 02301, Tel. #(508)895-8837. Failure to comply with this Order shall make the respondent liable for a finding of contempt of court.

  
LAWRENCE P. COHEN  
UNITED STATES MAGISTRATE JUDGE

Dated: November 4, 2004



DISTRICT OF MASSACHUSETTS

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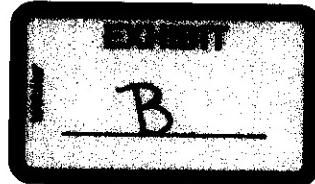
**AFFIDAVIT OF REVENUE OFFICER**

1. I, Nancy Godwin Revenue Officer of the Internal Revenue Service, am authorized to issue summonses. A Summons for a Collection Information Statement was issued to Michael Carden on April 5, 2004.
2. The information requested in the Summons is necessary to prepare a financial information statement.
3. The respondent has failed and refused to comply with the Summons.
4. On November 4, 2004, an Order Enforcing Internal Revenue Service Summons was issued, ordering the respondent to appear before a Revenue Officer by December 2, 2004.
5. To date, the respondent has not complied with the Order and has not provided the summonsed information, and has not contacted Nancy Godwin, Revenue Officer, regarding this matter.

11/4/2005  
Date

Nancy Godwin  
Revenue Officer  
Internal Revenue Service

Subscribed and sworn to before me this fourteenth day  
of January 2005.



NOTARY PUBLIC

My Commission expires: 5/12/2011

Laura J. Ells